IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.758 OF 2005

IN

SUMMARY SUIT NO.1626 OF 2005

Bhavana M.Gathani. ...Plaintiff

vs.

1.M/s.Neelam Overseas L.G. Chitalia & another ...Defendants.

Mrs.Sushama Dave, for Plaintiff.

Mr.D.P.Desai, for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 13th June, 2006.

P.C.:-

By consent of the parties, the summons for judgment is disposed of in the following terms:

1. In case the defendants deposit an amount of Rs.50,000/- (Rupees Fifty Thousand only) in this Court with due intimation to the plaintiff within a period of four weeks from today, the summons for judgment shall stand disposed of and leave to defend

shall stand granted to the defendants. In that event the defendants shall file written statement within a period of Six weeks from the date of deposit.

2. In case the amount is deposited, the Prothonotary & Senior Master of this Court shall permit the plaintiff to withdraw the amount on furnishing bank guarantee of a nationalised bank to the satisfaction of the Prothonotary and Senior Master of this Court and filing an undertaking undertaking therein to re-deposit the amount if so directed by this Court and on such terms and conditions as may be directed by this Court. The bank guarantee to be furnished within a period of four weeks from the date of deposit.

1. If the amount is not withdrawn by the plaintiff within the aforesaid period by furnishing bank guarantee, the Prothonotary and Senior Master of this Court shall invest that amount in fixed deposit in a nationalised bank during the pendency of the suit.

4. In case the defendants fail to deposit the

amount within the aforesaid period, this summons for judgment shall stand granted and the suit shall stand decreed in terms of the prayer clause of the suit without any further reference to the Court. In that event, Court fee be refunded as per rules.